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January 19, 2017

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Free Mobile, Inc. Petition for Streamlined Designation as a Lifeline
Broadband Provider Eligible Telecommunications Carrier; Oral Ex
Parte Presentation; WC Docket No. 09-197**

Dear Ms. Dortch:

On January 17, 2017, John Heitmann of Kelley Drye & Warren LLP spoke via telephone on behalf of Free Mobile, Inc. (Free Mobile) with Claude Aiken, Legal Advisor to Commissioner Clyburn regarding Free Mobile's pending petition for designation as a Lifeline Broadband Provider (LBP) pursuant to the Lifeline Modernization Order.¹

During this discussion, Mr. Heitmann contested the Wireline Competition Bureau's (Bureau's) removal of Free Mobile's petition from streamlined processing. Specifically, he explained that the newly minted LBP designation process already was in danger of becoming a replica of the dysfunctional federal ETC designation and Lifeline-only compliance plan approval processes, through which the Commission has thwarted competitive entry not only in those states where it designates wireless service providers as ETCs, but across the country.² By

¹ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 3969, para. 22 (2016) (Lifeline Modernization Order).

² Free Mobile has had a federal ETC petition pending since September 13, 2012, and has had its compliance plan pending since June 15, 2012. See *Free Mobile, Inc. Petition for Limited Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, and the District of Columbia*, WC Docket No. 09-197 (Filed Sept. 13, 2012); see also *Free Mobile, Inc.'s Third Amended Compliance Plan*, WC Docket Nos. 09-197, 11-42 (Filed Jan. 28, 2013).

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standardizing application requirements and review periods, the LBP designation process was designed to streamline competitive entry, not thwart it.

Mr. Heitmann also contested the Bureau's claim that "[i]n determining whether the Bureau should grant a petition for LBP designation, the Bureau should consider the unique 'advantages and disadvantages of the applicant's service offerings.'"³ He explained that with the Commission's broadband minimum service standards in place, it should approve applicants on a technology- and service-neutral basis so that consumers can determine for themselves—based on their individual circumstances—the advantages and disadvantages of particular service offerings.

Despite the foregoing concerns, he nevertheless highlighted the unique advantages of Free Mobile's Lifeline broadband service offerings. Free Mobile has provided communications services for 12 years, which includes local and long distance voice services, and broadband services. As of October 2016 when Free Mobile filed its LBP petition, the company's affiliate Ztar Mobile provided voice and/or broadband service to more than 200,000 prepaid wireless subscribers. Free Mobile's proposed Lifeline broadband offering is different in that it will encourage customers to bring their own GSM-compatible handset and receive a Free Mobile Subscriber Identity Module (SIM) card at no cost. 3G or 4G service will be available depending on the subscriber's handset.

Mr. Heitmann concluded by requesting support for approving Free Mobile's LBP designation so that consumers in states like New York, Florida and elsewhere could gain access to Free Mobile's unique and innovative Lifeline service offerings.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

Respectfully submitted,



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cc: Claude Aiken

³ See Lifeline Modernization Order ¶ 22.